

REMARKS

Claims 61-68, 70-84 and 86-89 are presently pending. Claims 69 and 85 are canceled without prejudice, and Claims 61, 63, 66, 67, 73, 74, 78, 80, 84 and 86 are amended. Applicants respectfully traverse the rejections of the pending claims and request reconsideration and allowance of the claims in light of the foregoing amendments and following remarks.

The Objection To The Drawings Is Obviated

The drawings are objected to under 37 CFR 1.83(a) because it is asserted that the claimed “integral” filter element is not shown in the drawings. Applicant respectfully disagrees, however, in the interest of furthering prosecution has deleted the term “integral” from Claim 66 without prejudice. Accordingly, the objection to the drawings is obviated.

The Section 112 Rejections Are Overcome By Amendment Or Obviated

Claims 63, 73, 74, 80, 84 and 86 are rejected under 35 USC §112 because it is asserted that there is no support in the specification for the steam bonding of cellulose acetate while it is acknowledged that there is support in the specification for steam bonding of cellulose acetate that has already been treated with triacetin plasticizer at paragraph [0059] of the specification. Each of these claims has been amended to address the rejection by either reciting in the subject claim that the cellulose acetate is impregnated with triacetin plasticizer or by amending the dependency of the subject claim to refer back to an intervening claim in which the cellulose acetate is recited to be impregnated with triacetin plasticizer. In view of these amendments, Applicants respectfully request withdrawal of the rejections.

Claim 66 is rejected under 35 USC §112 because it is asserted that the claimed “integral” filter element is not described in the specification. Applicant respectfully disagrees, however, in the interest of furthering prosecution has deleted the term “integral” from Claim 66 without prejudice. Accordingly, the Section 112 rejection of Claim 66 is obviated.

The Section 103 Obviousness Rejections Should be Withdrawn

Claims 61-65 and 67-89 are rejected under 35 USC §103(a) as being obvious over Irby Jr. et al. U.S. Pat. No. 3,390,686 (“Irby”) in view of Dorsey U.S. Pat. No. 5,549,124 (“Dorsey”) and in some instances in further view of Arterbery et al. U.S. Pat. No. 5,365,951 (“Arterbery”). As currently amended, Claims 61-68 and 70-77 recite, *inter alia*, “a cavity defined by said filter element, and extending from the proximal end of the filter element, wherein the cavity possesses a generally conical shape at a first end and a generally cylindrical shape at a second end proximal to the tobacco rod.” As currently amended, Claims 78-84 and 86-89 recite, *inter alia*, “a cavity defined by said filter element, and extending into the filter element from the distal end of the filter element, wherein the cavity possesses a generally conical shape at a first end and a generally cylindrical shape at a second end distal from the tobacco rod.” As amended, all claims further recite that the filter element is “sufficiently resilient to return to a substantially cylindrical shape and maintain said cavity after being squeezed.” Numerous advantages that may result from providing a filter element with a cavity with a generally conical shape at one end are discussed at paragraphs [0059] and [0063]-[0065] of the specification.

The primary reference relied upon is Irby, which is asserted to disclose a cavity that contains a conical cross section for at least part of the cavity as shown in Figure 2

of Irby. Figure 2 of Irby and the relating text describe a capsule 13 that is embedded in a sponge 11. See Irby at column 4, lines 1-29. The capsule 13 and its cavity are co-extensive, and both have blunt opposing ends that are identical and have no true conical shape. Furthermore, when the capsule 13 is ruptured, the liquid within the capsule causes the surrounding sponge 11 to expand and fill the void left by the ruptured capsule. Thus, Irby does not disclose a cavity that possesses a generally conical shape at one end and a generally cylindrical shape at a second end. As the shape of the cavity in Irby is identical at opposing ends, by definition, it cannot be both generally conical at one end and generally cylindrical at the other end. Irby also does not disclose a cavity that is maintained after the filter element is squeezed and the capsule ruptured. In Irby, the liquid contents cause the surrounding sponge to “expand and fill the void left by the ruptured capsules.” See Irby at column 4, lines 6-13. In view of the foregoing differences between the prior art and the claims, it is respectfully requested that the obviousness rejection of Claims 61-65 and 67-89 be withdrawn.

Claims 68, 75, 83 and 87 further distinguish over the prior art of record because they recite a filter element inner element which is either “crimped along an axial direction into a generally cross-shaped form” or that “includes a crimped terminus.” Advantages that may accompany use of such a crimped filter element are discussed in paragraph [0065] of the specification. None of the prior art references relied upon disclose a filter element inner element or cavity with a crimped terminus. The crimp which is asserted to be disclosed in Irby is, at best, a crimp in the capsule 13 itself, not a crimp in the cavity or filter element surrounding the capsule. Further, such crimp, which is not part of the cavity structure, is not cross-shaped, as required by Claims 68 and 83. Accordingly, Claims 68, 75, 83 and 87 distinguish over the prior art relied upon for these

additional reasons, independent of the reasons that distinguish their respective base claims over the prior art.

The pending claims expressly recite limitations which are not disclosed in the prior art, or rendered obvious thereby. In view of the foregoing, Applicants respectfully request that the rejections of Claims 61-68, 70-84, and 86-89 be withdrawn and the present application be allowed. Should the Office believe anything further is required to place the application in condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

The Director is hereby authorized to charge Deposit Account No. 03-2469 the fee required under 37 CFR § 1.17(a)(1) for a one-month extension of time. If an additional fee is required, the Director is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 03-2469. Moreover, if the deposit account contains insufficient funds, the Director is hereby invited to contact Applicants' undersigned representative to arrange payment.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David R. Yohannan", with a long horizontal line extending to the right.

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